



WEST VALLEY CITY
Unity • Pride • Progress

COMMUNITY & ECONOMIC DEVELOPMENT
DEPARTMENT

Non-Conforming Use Application to the Board of Adjustment

for property located at:

FEE: \$350.00

Date _____

Application # _____

* Property Owner _____ Phone _____

Mailing Address _____ Zip _____

Developer/Agent _____ Phone _____

Mailing Address _____ Zip _____

E-mail Address _____ Facsimile _____

LEGAL DESCRIPTION: Please Attach

ZONE : _____ Parcel (sidwell) # _____

Plans required for Planning must be submitted digitally as well as on 24 inch x36 inch sized paper. Please attach a letter addressing the following :

1. What is a description of the existing use? The Board can only approve the same use as it existed when the zoning classification became effective. Please be specific as to the exact use.
2. Attach all evidence indicating how long the use has been in existence. Oral testimony can be given by interested persons of the Board of Adjustment.
3. Please explain any request for expansion, if desired.

*** Current property owner must sign application (see back/next page)**

12/15/2008

3600 Constitution Boulevard, Room 240, West Valley City, UT 84119-3720
Telephone 801.963.3312 • Facsimile 801.963.3559 • <http://www.wvc-ut.gov>

AFFIDAVIT

PROPERTY OWNER

STATE OF UTAH)
) ss
COUNTY OF SALT LAKE)

I (we), _____, being duly sworn, depose and say that I (we) am (are) the owner(s) of the property identified in the attached application and that the statements herein contained and the information provided in the attached plans and other exhibits are in all respects true and correct to the best of my (our) knowledge.

(Property Owner)

(Property Owner)

Subscribed and sworn to me this _____ day of _____, 20____ .

(Notary)

Residing in Salt Lake County, Utah

My commission expires: _____

AGENT AUTHORIZATION

I (we), _____, the owner(s) of the real property described in the attached application, do authorize as my (our) agent(s) _____ to represent me (us) regarding the attached application and to appear on my (our) behalf before any administrative or legislative body in the City considering this application and to act in all respects as our agent in matters pertaining to the attached application.

(Property Owner)

(Property Owner)

Dated this _____ day of _____, 20____, personally appeared before me _____, the signer(s) of the above agent authorization who duly acknowledged to me that they executed the same.

(Notary)

Residing in Salt Lake County, Utah

My commission expires: _____

West Valley City Non-Conforming Use Application to the Board of Adjustment

A non-conforming use is a use or structure which lawfully existed prior to the adoption of an ordinance that prohibits the use or structure. In more common terms, the non-conforming use or structure has been “grandfathered” because of the length of time it has existed. The continuation of a non-conforming use is based on the general principal that zoning laws cannot be applied retroactively unless there is an imminent health or safety concern. The effect of establishing non-conforming use status is that ordinances passed after the use was legally established do not pertain to the use. A legal non-conforming use may continue until such time as the use is either abandoned or changed. These uses are protected by West Valley City ordinance and State Statute.

BOARD OF ADJUSTMENT AUTHORITY

The Board of Adjustment is the administrative body responsible for determining the non-conforming status of a use or structure. In reviewing the application, the Board of Adjustment considers all the facts and evidence submitted by the applicant. Testimony and evidence submitted by the applicant must center around the existence and extent of the use prior to the adoption or change in local ordinances that made the use improper. The Board cannot pass judgement on the appropriateness of the type and quality of use, but may only determine whether or not the use was there prior to the adoption of the current ordinances and the extent of that use. Since the Board relies on the proof submitted by the applicant, this information must be as complete and clear as possible. The proof may take any reasonable form but will be weighed by the Board in order to arrive at a final decision.

APPLICATION REQUIREMENTS

Complete the application form for the Board of Adjustment. Be as detailed and specific as possible. Incomplete or inadequate information may result in your case being delayed or possibly denied. The Board will not grant nonconforming status simply because an applicant has filled out an application and has requested it. The burden of proving that the use existed legally prior to the current ordinance and the extent of that use rests entirely upon you as the applicant. If you fail to meet that burden, the Board cannot approve your application.

To help you complete the application you will also need the following:

Answer each question on the application form. You may wish to attach a separate explanation sheet or an outline of your request.

Collect evidence and testimony verifying the existence of the use prior to the adoption of the ordinances which made your use improper. The staff will assist you in researching the date the current ordinance came into effect.

A plot plan drawn to scale on a minimum size paper of 8½” X 11” is suggested if applicable. Where such a plan would be helpful and applicable to the application, the plan should include actual lot dimensions, size and locations of all existing structures and improvements including fences, driveways and storage sheds with distances between all improvements and property lines.

West Valley City Planning and Zoning

There is a non-refundable application fee of \$350.00 to help defray the costs of advertising and staff review.

A document verifying proof of ownership. The current property owner must be the applicant but may designate a representative other than himself to act in his behalf. Proof of ownership can include a County Recorder's printout indicating ownership with corresponding parcel number, a warranty Deed or a tax notice.

Property address and legal description. A legal description can be obtained from a deed, a tax notice, or the County Recorder's Office.

Please remember that the information you submit will be the basis for review and decision by the Board of Adjustment. Be as complete as possible. If you have any questions, please ask for assistance by calling 963-3312, Planning and Zoning.

PUBLIC HEARINGS

The Board of Adjustment meets the first Wednesday of the month and you must submit your application at least two weeks in advance of the hearing date. The public hearing will be held by the Board of Adjustment and may begin with a brief study meeting at 5:30. The regular meeting will be held at 6:00 p.m. in the City Council Chambers, West Valley City Center, 3600 Constitution Boulevard. You or your appointed representative must be present at the public hearing at 6:00 pm to explain your case, present your evidence and answer questions. A field trip to the various sites being considered and study session may begin at 5:30 p.m., one week prior to the hearing. Typically, the Board will make a decision on your request the night of the public hearing. They may approve your application, approve it with conditions or set parameters for the use, continue your application, or deny it. You will receive written notice of the decision approximately one week after the date a final decision is rendered.

APPEALING A BOARD OF ADJUSTMENT DECISION

Any person wishing to appeal a decision of the Board of Adjustment must file such an appeal in the Third District Court within 30 days of the filing of the decision.

NEXT BOARD OF ADJUSTMENT MEETING_____

FILING DEADLINE

(3 weeks prior to hearing date for zone change)_____